

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

**In re: ODELL NMN RIVERS SR  
CINDY ELAINE RIVERS**

**Case No.: 19-41304-drd-13**

**Debtors**

**TRUSTEE'S OBJECTION TO MOTION TO INCUR DEBT (NO NOTICE)**

COMES NOW, Richard V. Fink, Standing Chapter 13 Trustee for the Western District of Missouri ("trustee"), and files this Objection to Motion to Incur Debt (no notice) (ECF Document 161) filed on March 10, 2023 and in support thereof states:

1. The debtors are above median and the confirmed plan is a 55 month Base plan that currently pays a dividend of 11.274%
2. The motion does not include sufficient information on the amount of funds the debtors will receive once the refinance occurs and the current mortgage creditor is paid. The motion indicates the debtors plan to use the proceeds of the refinance to pay off their Chapter 13 case.
3. The case is currently in month 46. Debtors have an applicable commitment period of 55 months pursuant to *In re Frederickson*, 545 F.3d 652 (8th Cir. 2008).
4. It appears the debtors are proposing to cash out equity in their home and pay off their case pursuant to the terms of the confirmed plan prior to reaching the applicable commitment period. The trustee objects to a pay off at less than 100% at this point.

WHEREFORE, the Chapter 13 Trustee files this Objection to Motion to Incur Debt (no notice).

March 14, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee  
2345 Grand Blvd., Ste. 1200  
Kansas City, MO 64108-2663  
(816) 842-1031

**NOTICE OF SERVICE**

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

DE /Objection / Reponse - Worksheet